

REMARKS

The Office Action dated January 30, 2007 has been read and carefully considered and the present amendment submitted to clarify the claim language to better define the invention.

In that Office Action, a restriction requirement was made between the invention of Group I consisting of claims 1-10 and 16-22 and the invention of Group II consisting of claims 11-15. Applicant provisionally elected the invention of Group I and that election is hereby affirmed, without traverse. Accordingly, claims 11-15 are withdrawn.

Claims 1-9 were rejected under 35 U.S.C. 102(b) as being anticipated by Heflin, U.S. Patent 3,638,642. Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Heflin in view of Petersen et al, U.S. Patent 6,616,606. Claims 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wilker, U.S. Patent 5,162,038 in view of Harry et al, U.S. 2002/0099277. Claims 19, 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wilker and Harry et al as applied to claim 16-18 and further in view of Koch et al, U.S. Patent 5,376,761.

As such, taking first Claims 1-9, claim 1 has now been amended to better define the infant care embodiment of the present invention. Thus, claim 1 now defines the present invention as being an "infant warming apparatus" that includes a heater for supplying heat to an infant. There is further recited that the infant warming apparatus has a "visual display". As now defined, therefore, it is clear that claim 1 is directed to an infant warming apparatus with a heater and that there is a visual display as a part of the infant warming apparatus. The present invention therefore includes a wireless transmitter that is located on or in close proximity to the infant and which transmits the signals to a visual display that is actually incorporated into the infant apparatus, as opposed to some remote location. The invention can, therefore, use a low power transmitter since the transmission of data is from the transmitter that is located in close proximity to a patient to a visual display that is a part of the infant warming apparatus itself.

It is submitted that claim 1 now distinguishes over the Heflin reference where there is a bed that has a sensor transmitting signals to a nearby monitor. Claim 1 is limited to an infant warming apparatus including a heater and where there is a visual display that is actually a part of the apparatus itself. It is also therefore submitted that the dependent claims 2-10 also distinguish over the Heflin reference. The apparatus of Heflin is not an infant warming apparatus nor is there a transmission of signals from a location proximate to an infant when positioned on the platform of an infant warming apparatus to a visual display of the infant warming apparatus.

Next, taking independent claim 16, again the language includes an infant warming apparatus having a heater and a visual display and where the sensor senses a physiological property of an infant. That sensed information is transmitted to the visual display located on the infant warming apparatus. The Wilker reference relates to an infant apparatus, however, there is no wireless transmitter used to send information of an infant to a visual display that is located on the piece of apparatus.

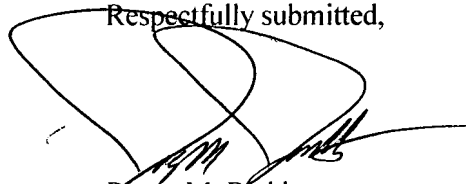
The combining of Wilker with Harry also fails to render the present invention as obvious. Harry relates to a wireless sensing device for an ambulatory patient, not a patient being treated in a care apparatus and therefore would not suggest that there is an apparatus, far less an infant warming apparatus, where there is a visual display on the apparatus that receives information in a wireless transmission from a sensor on or proximate to an infant. The disclosure of Harry simply has nothing to do with transmitting information from an infant being treated in an infant warming apparatus to a visual display that is actually located right on that infant warming apparatus. There is nothing in Wilker that suggests such a system nor is there anything in Harry that shows anything but the use of a patient sensor, not how it would be used to send information from a sensor on or proximate to an infant to a visual display located on that apparatus.

The same limitations now also are present in independent claim 19 where the apparatus is specifically an infant warming apparatus where the infant warming apparatus has a receiver that receives the signals from the transmitter and again the receiver is a part of the very infant warming apparatus that is being used to care for the infant. Again, the combination of Wilker and Harry et al fails to show or suggest that apparatus.

As such it is believed that the claims, as now presented, are in condition for allowance and an allowance of the present application is respectfully solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Rathbun', is written over the closing text.

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